

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**BLUE CROSS BLUE SHIELD
ASSOCIATION, *et al.*,**

Plaintiffs,

vs.

GLAXOSMITHKLINE LLC,

Defendant.

Civil Action No. 13-cv-4663-JS

**DEFENDANT’S OBJECTIONS AND RESPONSES TO PLAINTIFFS’
THIRD SET OF INTERROGATORIES**

Defendant GlaxoSmithKline, LLC (“Defendant” or “GSK”), objects and responds to Plaintiffs Blue Cross Blue Shield Association, et al.’s (“Plaintiffs”) Third Set of Interrogatories (the “Interrogatories”) as follows:

GENERAL OBJECTIONS

1. Defendant objects to the Interrogatories to the extent that they purport to impose requirements that are inconsistent with or not specified in the Federal Rules of Civil Procedure or the Local Rules of this Court.
2. Defendant objects to the Interrogatories to the extent that they seek the disclosure of information protected by the attorney-client privilege, the work product doctrine, or any other privilege or protection from disclosure. Inadvertent production of any information that is privileged, protected from disclosure, or otherwise immune from discovery shall not constitute a waiver of any privilege or protection or of the right to object to the use of the information that was inadvertently produced. Defendant reserves the right to recall from discovery any

inadvertently produced document that is protected by the attorney-client privilege, the work-product doctrine, or any other applicable privilege or immunity.

3. Defendant objects to the Interrogatories to the extent they are overly broad, unduly burdensome, or seek disclosure of material or information beyond the scope of permissible discovery under Federal Rule of Civil Procedure 26.

4. Defendant objects to the Interrogatories to the extent that they purport to require Defendant to search for information or documents not within its possession, custody, or control.

5. Defendant objects to the Interrogatories, including the definitions and instructions, to the extent that they are vague, ambiguous, cumulative, or duplicative.

6. Defendant objects to the Interrogatories to the extent that they seek information relating to time periods that are not relevant to the Complaint.

7. Defendant objects to the Interrogatories to the extent that they seek information equally available to Plaintiffs from sources other than Defendant.

8. Defendant objects to the following definitions:

- a. Defendant objects to Plaintiffs' Definition No. 5 of "GSK" as overbroad and unduly burdensome. Defendant interprets the term to mean only Defendant GlaxoSmithKline LLC and/or its predecessor SmithKline Beecham Corporation.
- b. Defendant objects to Plaintiffs' Definition No. 12 of "Identify" and "Identity" as overbroad and unduly burdensome. With reference to a natural person, Defendant interprets the terms to require only that the response provide (i) the person's full name, and (ii) the person's last known contact information, if available. With reference to any entity

other than a natural person, Defendant interprets the terms to require only that the response provide (i) the full name of the entity, and (ii) the address of its corporate headquarters, or any other information reasonably necessary to locate the entity. With reference to a document, Defendant interprets the terms to require only that the response provide any information reasonably necessary to locate the referenced document, i.e., Bates number. With reference to a communication, Defendant interprets the terms to require only (i) the identity of each person between or among whom the communication occurred, and (ii) the date and time when the communication occurred, if available, and the manner in which it occurred (e.g., meeting, telephone conversation).

- c. Defendant objects to Plaintiffs' Definition No. 13 of "possession," "custody," or "control" as overbroad and unduly burdensome to the extent that it is inconsistent with the scope of the terms as used in the Federal Rules of Civil Procedure, and as interpreted in related case law.
 - d. Defendant objects to Plaintiffs' Definition No. 14 of "Cidra" and "the Cidra Plant" to the extent that it implies that any entity other than SB Pharmco Inc. operated the manufacturing facility at Cidra, Puerto Rico.
9. Defendant objects to the following Instructions:
- a. Defendant objects to Plaintiffs' Instruction No. 1 as overbroad and unduly burdensome. Defendant further objects that the stated time period covered by the Interrogatories exceeds that which is relevant to the claims and defenses in this matter. Defendant is willing to meet-and-confer with

Plaintiffs regarding the appropriate relevant time period for its Interrogatories.

OBJECTIONS AND RESPONSES TO SPECIFIC INTERROGATORIES

All responses made below, and all information provided in response to these Interrogatories, is stated subject to and without waiving the foregoing General Objections, which are specifically incorporated in each response below. Defendant's investigation of the issues involved in this action, including issues implicated by the Interrogatories, is ongoing, as is Defendant's search for responsive documents. Defendant reserves the right to amend or supplement its answers to these Interrogatories pursuant to Rule 26(e) of the Federal Rules of Civil Procedure.

Interrogatory No. 10

Identify the individuals referred to in GSK-CIDRA-0065660, "Cidra Settlement - Follow-up and preparation for the future," dated Nov. 1, 2010, under the heading "Government Investigation of Individuals," stating: "The US Attorney's Office has not closed out the investigation of individuals currently or formerly employed by GlaxoSmithKline who could be at risk of indictment. These individuals are represented by private, independent counsel."

Response No. 10

In addition to its General Objections, which are fully incorporated herein, Defendant objects to this Interrogatory to the extent that it seeks the disclosure of information protected by the attorney-client privilege, the work product doctrine, or any other privilege or protection from disclosure.

Interrogatory No. 11

Identify the specific entity or entities that employed the following individuals during the period from January 1, 1997 to the present, specifying the dates of such employment:

- a. Bernadette King
- b. Bill Leonard
- c. Cheryl Eckard
- d. Chris Viehbacher

- e. David Lichtenstein
- f. David Pulman
- g. David Wheadon
- h. Diane Sevigny
- i. Donald Mackenzie
- j. Edna Diaz
- k. Edwin Lopez
- l. Eric Dube
- m. Fred Mayer
- n. Gayle Reinhardt
- o. James Palmier
- p. Janice Whitaker
- q. Jonathan Box
- r. Kristal Adams
- s. Mark Vineis
- t. Marilyn Figueroa
- u. Nancy Leone
- v. Nancy Pekarek
- w. Nilsa Colon-Perez
- x. Pete Lammers
- y. Richard Kettlewell
- z. Richard Packer
- aa. Ruth Toledo
- bb. Sheila Hood
- cc. Stefanie Mendell
- dd. Stephen Rose
- ee. Steve Plating
- ff. Tim Tyson
- gg. William Sawicki

Response No. 11

In addition to its General Objections, which are fully incorporated herein, Defendant objects to this Interrogatory as compound, overbroad and unduly burdensome, and not relevant or proportional to the needs of the case. Defendant further objects to this Interrogatory as vague and ambiguous with respect to the definition of “entity.” Subject to and without waiving the foregoing objections, Defendant has provided the hire date, termination date, and entity-related information for the listed individuals in Exhibit A. Defendant also refers Plaintiffs to the tens of thousands of documents referencing the individuals produced in this matter by GSK, which

contain information regarding the employment of the listed individuals. Defendant reserves the right to update this Interrogatory response based on further investigation.

Interrogatory No. 12

Identify the respective officers, directors, and executives of SB Pharmco Puerto Rico Inc., SmithKline Beecham Corp. d/b/a GlaxoSmithKline, and GSK plc during the period from January 1, 1997 to the present, specifying each person's title(s) and corporate affiliation(s) and the dates for each such title and affiliation.

Response No. 12

In addition to its General Objections, which are fully incorporated herein, Defendant objects to this Interrogatory as compound, overbroad and unduly burdensome, and not relevant or proportional to the needs of the case. Subject to and without waiving the foregoing objections, Defendant refers Plaintiffs to the annual reporting of SB Pharmco Puerto Rico Inc., which names the officers and directors of SB Pharmco Puerto Rico Inc. from 1997 through its dissolution in 2008. The reports are available on the Government of Puerto Rico's online Registry of Corporations and Entities, at <https://prcorpfilng.flhst.com/CorporationSearch.aspx>. Defendant further refers Plaintiffs to GSK's Annual Reports, available at <https://www.gsk.com/en-gb/investors/corporate-reporting/corporate-reporting-archive/>, for information on the officers, directors, and executives of SmithKline Beecham Corporation d/b/a GlaxoSmithKline and GlaxoSmithKline plc from 2000 to the present. Defendant further refers Plaintiffs to GSK-ECK-0027-027058, GSK-ECK-0008-090768, GSK-CIDRA-0016221, GSK-ECK-0053-009497, GSK-ECK-0053-009642, GSK-ECK-0055-001835, GSK-ECK-0034-018210, GSK-CIDRA-0981150, GSK-CIDRA-0981151, GSK-CIDRA-0981152, GSK-ECK-0051-025980, GSK-ECK-0052-019773, GSK-ECK-0047-005868, GSK-ECK-0047-006670, and GSK-ECK-0008-090766, which reflect additional executives of SB Pharmco Puerto Rico Inc.,

SmithKline Beecham Corporation d/b/a GlaxoSmithKline, and GlaxoSmithKline plc. Defendant reserves the right to update this Interrogatory response based on further investigation.

Interrogatory No. 13

Identify the percentage of total U.S. sales revenue for each At-Issue Drug attributable to the Plaintiffs in the aggregate. (See, e.g., GSK-CIDRA-0006535.)

Response No. 13

In addition to its General Objections, which are fully incorporated herein, Defendant objects to this Interrogatory as overbroad and unduly burdensome, and not relevant or proportional to the needs of the case. Defendant objects to this Interrogatory as vague and ambiguous with respect to the definition of “total U.S. sales revenue.” Defendant further objects to this Interrogatory to the extent it calls for Defendant to provide information not reasonably within its possession, custody, or control, or information that is more readily available to Plaintiffs than to Defendant, and as cumulative to and duplicative of Interrogatory No. 5. Subject to and without waiving the foregoing objections, Defendant refers Plaintiffs to Exhibit B, which reflects currently available information regarding sales attributable to “At-Issue” products manufactured at the Cidra, Puerto Rico facility. Defendant reserves the right to update this Interrogatory response based on further investigation.

Respectfully submitted,

/s/ Jason C. Raofield

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Exhibit A

Individual	Hire Date	Termination Date	Entity Information
Bernadette King	September 24, 2001	February 27, 2015	Global Communications
Bill Leonard	September 17, 1984	March 9, 2010	US Pharmaceuticals
Cheryl Eckard	November 21, 1994	August 1, 2003	GMS Quality
Chris Viehbacher	January 1, 2000	December 1, 2008	US Pharmaceuticals
David Lichtenstein	January 4, 1988	N/A - Current	US Pharmaceuticals
David Pulman	October 2, 1978	December 31, 2013	Global Manufacturing & Supply
David Wheadon	February 24, 1992	August 12, 2005	Research & Development
Diane Sevigny	June 11, 1984	January 13, 2018	GMS Quality
Donald Mackenzie	December 2, 1991	N/A - Current	Pharma R&D
Edna Diaz	June 17, 2002	July 25, 2003	GSK Cidra
Edwin Lopez	January 16, 1995	January 30, 2005	GSK Cidra
Eric Dube	August 21, 2000	N/A - Current	ViiV Healthcare
Fred Mayer	March 6, 1989	January 5, 2004	Research & Development
Gayle Reinhardt	April 12, 1987	March 7, 2014	US Pharmaceuticals
James Palmier	March 29, 1993	May 29, 2009	US Pharmaceuticals
Janice Whitaker	April 16, 1984	September 16, 2013	GMS Quality
Jonathan Box	December 18, 1989	N/A - Current	GSK Finance
Kristal Adams	November 23, 1992	June 9, 2016	GMS Quality
Mark Vineis	February 7, 2000	November 27, 2006	US Pharmaceuticals
Marilyn Figueroa	September 2, 2003	December 31, 2004	GSK Cidra
Nancy Leone	November 25, 1996	December 31, 2010	US Pharmaceuticals
Nancy Pekarek	January 4, 1993	December 23, 2015	Global Communications
Nilsa Colon-Perez	August 30, 2004	December 15, 2016	Global Manufacturing & Supply
Pete Lammers	June 9, 1986	July 7, 2013	US Pharmaceuticals
Richard Kettlewell	October 13, 1986	October 1, 2017	GMS Quality
Richard Packer	November 11, 1991	August 31, 2016	Global Manufacturing & Supply
Ruth Toledo	November 16, 1992	December 23, 2005	GSK Cidra
Sheila Hood	December 4, 1995	March 31, 2006	US Pharmaceuticals
Stefanie Mendell	September 8, 1997	March 31, 2013	Global Communications
Stephen Rose	October 30, 1989	April 30, 2013	Global Communications
Steve Plating	January 15, 1990	January 26, 2005	Regional Quality, NA, GSK
Tim Tyson	August 1, 1988	December 31, 2002	Global Manufacturing & Supply
William Sawicki	March 14, 1983	February 3, 2006	US Pharmaceuticals

Exhibit B
BCBS et al vs. GlaxoSmithKline - Cidra Matter
Response to Interrogatory #13 [1], [2]
Based on Plaintiff Claims Data Received Through 2/28/2018

At-Issue Product	1997			1998			1999			2000		
	Gross Sales	Plaintiff Paid	Plaintiff Paid % of Gross Sales	Gross Sales	Plaintiff Paid	Plaintiff Paid % of Gross Sales	Gross Sales	Plaintiff Paid	Plaintiff Paid % of Gross Sales	Gross Sales	Plaintiff Paid	Plaintiff Paid % of Gross Sales
ALBENZA	\$ 328,129	\$ 2,616	0.8%	\$ 459,319	\$ 4,523	1.0%	\$ 594,186	\$ 5,436	0.9%	\$ 846,221	\$ 9,886	1.2%
AVANDAMET	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
AVANDIA	NA	NA	NA	NA	NA	NA	158,470,584	4,694,581	3.0%	744,323,458	40,020,287	5.4%
BACTROBAN [3]	85,726,169	1,085,227	1.3%	113,870,091	2,485,113	2.2%	140,975,376	3,705,493	2.6%	155,704,019	6,346,788	4.1%
COMPAZINE	23,468,877	207,988	0.9%	17,523,928	205,490	1.2%	16,409,414	192,964	1.2%	25,532,323	193,089	0.8%
COREG [3]	31,447,876	306,837	1.0%	101,867,274	2,536,783	2.5%	203,153,054	5,892,565	2.9%	241,813,887	11,563,484	4.8%
DENAVIR [4]	NA	NA	NA	NA	NA	NA	NA	NA	NA	TBD	1,286,766	TBD
DIBENZYLIN	2,241,010	28,856	1.3%	2,262,577	38,549	1.7%	5,053,459	104,013	2.1%	NA	NA	NA
DYAZIDE	49,464,643	674,288	1.4%	41,613,326	879,186	2.1%	40,994,592	753,731	1.8%	26,262,366	760,155	2.9%
DYRENIUM	3,229,688	41,006	1.3%	3,392,925	69,198	2.0%	4,616,384	107,686	2.3%	NA	NA	NA
FACTIVE	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
KYTRIL	177,195,813	11,306	0.0%	204,379,664	24,910	0.0%	203,887,120	43,557	0.0%	179,315,987	68,364	0.0%
PAXIL	1,052,139,561	19,161,885	1.8%	1,282,047,332	39,342,434	3.1%	1,575,279,161	54,800,125	3.5%	1,827,825,321	106,114,960	5.8%
PAXIL OS	NA	NA	NA	2,344,572	19,896	0.8%	8,135,034	120,211	1.5%	10,134,856	309,717	3.1%
RELAFEN	484,661,669	9,160,704	1.9%	504,539,067	17,192,380	3.4%	454,358,804	16,861,545	3.7%	319,659,655	19,548,281	6.1%
STELAZINE	5,913,801	75,393	1.3%	4,430,048	92,524	2.1%	3,577,656	89,240	2.5%	3,082,388	83,709	2.7%
THORAZINE [3]	6,105,543	33,458	0.5%	4,553,101	53,688	1.2%	4,287,460	50,939	1.2%	3,854,987	64,806	1.7%
Total	\$ 1,921,922,780	\$ 30,789,564	1.6%	\$ 2,283,283,224	\$ 62,944,674	2.8%	\$ 2,819,792,283	\$ 87,422,086	3.1%	\$ 3,538,355,467	\$ 185,083,525	5.2%

Notes:

[1] GSK's U.S. sales are limited to the % manufactured at Cidra (per the response to Interrogatory #4).

[2] Plaintiff Paid amounts are sourced to plaintiff produced transactional claims data and limited to the % manufactured at Cidra (per the response to Interrogatory #4).

[3] NDCs for sample products are excluded from Cidra sales. These include Bactroban (00029152515), Coreg (00007414055, 00007414155, & 00007414255), and Thorazine (00007506101) and account for \$73.7K total plaintiff paid.

[4] Denavir was sold by GSK Consumer Healthcare, and as such the sales data is not available from the U.S. Pharma systems.

BCBS et al vs. GlaxoSmithKline - Cidra Matter
 Response to Interrogatory #13 [1], [2]
 Based on Plaintiff Claims Data Received Through 2/28/2018

At-Issue Product	2001			2002			2003			2004		
	Gross Sales	Plaintiff Paid	Plaintiff Paid % of Gross Sales	Gross Sales	Plaintiff Paid	Plaintiff Paid % of Gross Sales	Gross Sales	Plaintiff Paid	Plaintiff Paid % of Gross Sales	Gross Sales	Plaintiff Paid	Plaintiff Paid % of Gross Sales
ALBENZA	\$ 811,403	\$ 14,483	1.8%	\$ 917,545	\$ 21,170	2.3%	\$ 967,367	\$ 19,033	2.0%	\$ 1,286,519	\$ 26,399	2.1%
AVANDAMET	NA	NA	NA	49,444,255	309,696	0.6%	129,074,246	14,920,385	11.6%	420,526,721	50,308,127	12.0%
AVANDIA	1,053,786,691	65,667,301	6.2%	1,175,944,158	109,072,837	9.3%	1,394,734,566	126,702,003	9.1%	1,531,014,138	149,602,775	9.8%
BACTROBAN [3]	178,003,924	7,753,344	4.4%	196,301,490	10,020,945	5.1%	189,694,084	10,135,362	5.3%	93,907,765	5,322,872	5.7%
COMPAZINE	22,808,131	147,260	0.6%	2,886,148	94,810	3.3%	NA	NA	NA	NA	NA	NA
COREG [3]	377,596,710	17,076,619	4.5%	484,819,079	32,272,407	6.7%	670,957,144	45,792,519	6.8%	907,089,182	67,036,284	7.4%
DENAVIR [4]	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
DIBENZYLUNE	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
DYAZIDE	24,228,133	603,068	2.5%	19,145,906	612,512	3.2%	16,860,307	594,491	3.5%	14,654,351	586,856	4.0%
DYRENIUM	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
FACTIVE	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
KYTRIL	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
PAXIL	2,151,236,780	138,204,949	6.4%	2,319,441,466	219,617,259	9.5%	1,414,265,865	141,471,471	10.0%	156,062,640	17,567,761	11.3%
PAXIL OS	9,698,679	455,578	4.7%	6,927,910	515,384	7.4%	10,126,012	865,763	8.5%	9,181,791	826,131	9.0%
RELAFEN	232,508,915	15,167,189	6.5%	23,338,250	2,914,808	12.5%	19,286,893	1,476,596	7.7%	12,166,954	1,147,806	9.4%
STELAZINE	2,091,638	59,723	2.9%	1,744,598	64,637	3.7%	NA	NA	NA	NA	NA	NA
THORAZINE [3]	4,027,103	74,932	1.9%	2,898,597	61,164	2.1%	NA	NA	NA	NA	NA	NA
Total	\$ 4,056,798,105	\$ 245,224,447	6.0%	\$ 4,283,809,400	\$ 375,577,629	8.8%	\$ 3,845,966,483	\$ 341,977,624	8.9%	\$ 3,145,890,061	\$ 292,425,010	9.3%

Notes:

[1] GSK's U.S. sales are limited to the % manufactured at Cidra (per the response to Interrogatory #4).

[2] Plaintiff Paid amounts are sourced to plaintiff produced transactional claims data and limited to the % manufactured at Cidra (per the response to Interrogatory #4).

[3] NDCs for sample products are excluded from Cidra sales. These include Bactroban (00029152515), Coreg (00007414055, 00007414155, & 00007414255), and Thorazine (00007506101) and account for \$73.7K total plaintiff paid.

[4] Denavir was sold by GSK Consumer Healthcare, and as such the sales data is not available from the U.S. Pharma systems.

BCBS et al vs. GlaxoSmithKline - Cidra Matter
 Response to Interrogatory #13 [1], [2]
 Based on Plaintiff Claims Data Received Through 2/28/2018

At-Issue Product	2005			2006			1997 - 2006		
	Gross Sales	Plaintiff Paid	Plaintiff Paid % of Gross Sales	Gross Sales	Plaintiff Paid	Plaintiff Paid % of Gross Sales	Gross Sales	Plaintiff Paid	Plaintiff Paid % of Gross Sales
ALBENZA	\$ 500,142	\$ 13,152	2.6%	NA	NA	NA	\$ 6,710,831	\$ 116,698	1.7%
AVANDAMET	239,091,070	34,469,698	14.4%	\$ 191,188,682	\$ 29,564,636	15.5%	1,029,324,974	129,572,542	12.6%
AVANDIA	2,028,710,140	192,553,908	9.5%	1,955,240,334	266,764,627	13.6%	10,042,224,068	955,078,318	9.5%
BACTROBAN [3]	14,306,365	236,996	1.7%	NA	NA	NA	1,168,489,283	47,092,141	4.0%
COMPAZINE	NA	NA	NA	NA	NA	NA	108,628,821	1,041,601	1.0%
COREG [3]	1,211,332,920	90,017,353	7.4%	1,399,113,813	167,753,664	12.0%	5,629,190,940	440,248,516	7.8%
DENAVIR [4]	NA	NA	NA	NA	NA	NA	TBD	1,286,766	TBD
DIBENZYLONE	NA	NA	NA	NA	NA	NA	9,557,046	171,417	1.8%
DYAZIDE	3,700,749	148,892	4.0%	NA	NA	NA	236,924,372	5,613,180	2.4%
DYRENIUM	NA	NA	NA	NA	NA	NA	11,238,997	217,890	1.9%
FACTIVE	NA	NA	NA	NA	NA	NA	NA	NA	NA
KYTRIL	NA	NA	NA	NA	NA	NA	764,778,584	148,138	0.0%
PAXIL	40,757,310	4,600,528	11.3%	NA	NA	NA	11,819,055,434	740,881,372	6.3%
PAXIL OS	6,998,083	613,378	8.8%	5,796,605	881,309	15.2%	69,343,542	4,607,366	6.6%
RELAFEN	3,919,962	538,237	13.7%	NA	NA	NA	2,054,440,168	84,007,546	4.1%
STELAZINE	NA	NA	NA	NA	NA	NA	20,840,128	465,225	2.2%
THORAZINE [3]	NA	NA	NA	NA	NA	NA	25,726,791	338,985	1.3%
Total	\$ 3,549,316,742	\$ 323,192,142	9.1%	\$ 3,551,339,434	\$ 464,964,236	13.1%	\$ 32,996,473,979	\$ 2,409,600,936	7.3%

Notes:

[1] GSK's U.S. sales are limited to the % manufactured at Cidra (per the response to Interrogatory #4).

[2] Plaintiff Paid amounts are sourced to plaintiff produced transactional claims data and limited to the % manufactured at Cidra (per the response to Interrogatory #4).

[3] NDCs for sample products are excluded from Cidra sales. These include Bactroban (00029152515), Coreg (00007414055, 00007414155, & 00007414255), and Thorazine (00007506101) and account for \$73.7K total plaintiff paid.

[4] Denavir was sold by GSK Consumer Healthcare, and as such the sales data is not available from the U.S. Pharma systems.

CERTIFICATE OF SERVICE

I hereby certify that on March 21, 2018, I caused to be served by email Defendant's
Objections and Responses to Plaintiffs' Third Set of Interrogatories on the following counsel:

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